

# American

## NEWS & VIEWS

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## U.S. Influence Being Felt at International Criminal Court

By Stephen Kaufman  
Staff Writer

Washington — The 111 countries party to the International Criminal Court (ICC) adopted aggression as a prosecutable crime after a two-week review conference in Uganda, but the leaders of the U.S. delegation to the conference say the Obama administration's engagement with the ICC as an observer nation helped to more carefully define the crime and ensured that it will be prosecuted in only the most egregious circumstances. The ICC also agreed to conduct a review of its approach to prosecuting aggression in 2017.

Speaking to reporters June 15 after attending the May 31-June 11 conference in Kampala, the State Department's ambassador-at-large for war crimes issues, Stephen Rapp, and legal adviser Harold Hongju Koh said the discussion over aggression had shifted the conference away from the ICC's core human rights mission.

"Now a nonfinal approach has been tentatively reached, which takes the issue off the table for the next seven years with a notional solution that can be re-examined in 2017," Koh said.

Rapp said the U.S. delegation had concerns not only with the definition of aggression, but also that by having the ICC take political sides by deciding to charge certain states while declining to charge other states with the crime, the court could find it difficult to get the kind of international cooperation "that it needs to deal with atrocity crimes."

"Even when you're going after the cases that involve mass atrocity, people accuse you of being politically motivated," Rapp said. "But what's happened, as we've seen in the last 15 years, is that when a leader has been charged by one of these courts and there's strong evidence of his involvement in mass atrocity against innocent civilians, eventually it becomes possible to dislodge that leader, as we saw with [Serbian leader Slobodan] Milosevic and as we saw with [Liberia's] Charles Taylor, and bring that person to justice."

Rapp said the U.S. argument gained the support of 50 international human rights organizations that circulated a letter to the ICC countries saying "it wasn't a good idea for this court to go there."

In the end, while adopting aggression as a crime subject to ICC prosecution, "we had a deferral, at least of the ability of this court, to move into the aggression area until 2017," Rapp said. "This gives the court seven more years

to get it right in terms of going after atrocity crime."

Koh said the ICC was founded only recently, in 2002, and has not completed any cases yet. The tentative outcome on the aggression issue was due to a general realization among ICC member states that more time was needed, he said.

The United States was among the countries that voted against the 1998 Rome Statute that established the ICC. But Koh said that after 12 years, "I think we have reset the default on the U.S. relationship with the court, from hostility to positive engagement."

This is due to three Obama administration policies at work, Koh said. The United States supports accountability, international criminal justice and ending impunity, as evidenced, he said, by its support for international tribunals addressing atrocities in Rwanda, Yugoslavia, Cambodia and other countries.

Second, under Obama, the United States has supported principled engagement with international institutions, such as its participation in the U.N. Human Rights Council and the 2009 talks in Copenhagen on climate change and its leadership in nuclear nonproliferation and security, Koh said.

In his November 2009 acceptance of the Nobel Peace Prize, President Obama also argued that there are occasions in the 21st century when the use of force is lawful, and Koh said, "The question is how to make sure that [such instances] are not criminalized if they're lawful."

In resetting its relationship with the ICC, "principled engagement worked to protect our interests, to improve the outcome and to bring us renewed international good will," Koh said. "As one delegate put it to me, the U.S. was once again seen, with respect to the ICC, as part of the solution, and not the problem."

Rapp said the United States hopes to continue its work toward improving the effectiveness of the ICC. The court has taken up cases against alleged atrocities in Uganda, the Democratic Republic of the Congo, Darfur and the Central African Republic, thus relieving the United Nations from having to establish special courts to mete out justice, accountability and the protection of victims in those situations.

"We recognized ... [that] it's in our interest to support those prosecutions, not at this time as a member of the ICC, but in kind with assistance, as long as it's consistent with our law," he said.

At the same time, Rapp said, justice at the national level is preferable to justice at the international level, and the United States is working with the ICC to promote "complementarity" to strengthen national systems so that they can prosecute war crimes, genocide and crimes against humanity.

"International justice alone ... doesn't have the kind of effect that you need to have on the ground if you're going to protect people from those crimes," he said. "And that was a message that had a very receptive audience in Africa, where there is a strong desire to see these cases prosecuted in the national system but with help in terms of capacity and independence, to ensure that justice is done."

### **U.N. Rights Body Rebukes Iran on Human Rights**

By Merle David Kellerhals Jr.  
Staff Writer

Washington — The United States joined 55 other nations in rebuking Iran for its lack of progress in providing human rights protections for its citizens after national elections in June 2009.

"We are very proud of the coalition of over 50 governments [representing every regional group] that has come together under Norway's leadership to express deep concern about the situation in Iran, and to send our message of support to victims so that they know that the international community has not forgotten them," U.S. Ambassador Eileen Chamberlain Donahoe said June 15 in Geneva at the U.N. Human Rights Council (HRC). "Expressing deep concern about the human rights situation in Iran is a priority for the United States."

Norway's representative to the U.N. Human Rights Council, Ambassador Bente Angell-Hansen, read a statement during the 14th session of the council that expressed concern about the Iranian regime's treatment of its citizens following disputed national elections a year ago. Unlike a council resolution, reading a statement is not subject to formal adoption by consensus or a vote, though it carries much of the same impact. The United States and Norway had sought support from the council for the statement.

Following the national elections in June 2009, postelection street protests and demonstrations were suppressed by the Iranian Revolutionary Guard Corps with mass detentions. According to news accounts, at least two protesters were hanged and a sizable number of detainees remain in prisons.

The Norway statement expressed concerns about the violent suppression of dissent, detention and executions

without due process of law, severe discrimination against women and minorities that also includes people of the Bahá'í faith, and restrictions on freedom of expression and religion.

"We cannot let this Human Rights Council session go by without marking the one year anniversary of these events this month," the statement said. The statement called on the Iranian regime to meet its commitments and "to fulfill its obligations and its acceptance of human rights recommendations made by the international community."

The statement was supported by 56 nations that want to see an improvement in the human rights situation of Iranian citizens, the statement said.

After an objection by several council members who wanted to block the reading of the statement, Belgian Ambassador Alex Van Meeuwen, who chairs the forum, permitted the reading of the statement, according to news accounts.

"All those whose universal human rights have been violated must know that their voices are being heard by this council and that we in the international community are working together to try to respond to their needs and to improve their lives," the Norwegian statement read.

The following countries supported the HRC statement on Iran: Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, former Yugoslav Republic of Macedonia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Tonga, United Kingdom of Great Britain and Northern Ireland, Ukraine, United States of America, and Vanuatu.

### **Children Exploited for Cheap Labor Worldwide**

By Merle David Kellerhals Jr.  
Staff Writer

Washington — To lessen exploitive child labor globally, the root causes must be addressed by ensuring access to education for all children and helping families to overcome the poverty that contributes to child labor, President Obama says.

"All of us must recommit ourselves to creating a world where our children have a brighter future, free of exploitive labor," Obama said in observing the World Day

Against Child Labor on June 12.

"My administration is committing \$60 million this year to support efforts to reduce child labor around the world," he added in a prepared statement. The problem is well known, but resolving it requires a whole-of-government approach, the president said.

While reports indicate that child labor continues to gradually decline worldwide, much work still remains to be done before success can be achieved, he said.

The International Labour Organization's most recent estimates — contained in the Accelerating Action Against Child Labor report — suggest that there are still 215 million children involved in child labor. The number of child laborers declined from 222 million, or 3 percent, from 2004 to 2008.

The ILO categorizes child labor as work that is unacceptable because the children involved are too young and should be in school, or because even though they have attained the minimum age for employment, the work they do is unsuitable for a person below the age of 18. Many children are victims of the worst forms of child labor, such as bonded labor, slavery or practices similar to slavery, production and trafficking of drugs, or other work that is likely to harm their health, safety or morals, the ILO said.

The ILO has set a target of eliminating child labor by 2016.

"Progress is uneven: neither fast enough nor comprehensive enough to reach the goals that we have set," said ILO Director-General Juan Somavia. "New and large-scale efforts are needed. The situation calls for a re-energized campaign against child labor."

"The economic downturn cannot become an excuse for diminished ambition and inaction," Somavia said. "Instead it offers the opportunity to implement the policy measures that work for people, for recovery and for sustainable development."

The ILO warns that if current trends continue, the 2016 target will be missed. "The good news is that the overall pattern of child labor reduction has been maintained: the more harmful the work and the more vulnerable the children involved, the faster the decline. However, a staggering 115 million are still exposed to hazardous work, a proxy often used for the worst forms of child labor," the ILO said in releasing its report.

#### EFFECTIVE STRATEGIES

The U.S. departments of State and Labor recently convened a high-level meeting of government officials

and representatives of labor, business and human rights groups to develop effective strategies that will combat exploitive child labor.

"Ten years ago, we became one of the first countries to ratify the International Labour Organization's Convention on the Worst Forms of Child Labor, and we remain committed to ending child exploitation — including child soldiering, child trafficking and any work that harms the health, safety or morals of children," Secretary of State Hillary Rodham Clinton said at a recent day-long conference on child labor at the State Department.

"The problem of child labor may be entrenched, but it is also solvable," she said.

Maria Otero, the State Department's under secretary of state for democracy and global affairs, told conference participants that programs and policies that promote economic development, access to education, and effective governance all play important roles in eliminating child labor.

"Important gaps in coordination remain," Otero said. "We need to think innovatively about how we can strengthen linkages between programs and policies and extend partnerships with a wide range of actors, including workers, employers, other governments, law enforcement and civil society."

The ILO report breaks down data by age and gender, and notes that progress was greatest among children aged 5 to 14, where the number of child laborers fell by 10 percent. The number of children in hazardous work in this age range fell by 31 percent. And the report said that child labor among girls decreased considerably by 15 million, or 15 percent.

However, it increased among boys by 8 million, or 7 percent, the ILO report said. What's more, labor among young people aged 15 to 17 increased by 20 percent, from 52 million to 62 million.

The report also includes data compiled by region. It shows, for example, that the Asia-Pacific, Latin America and the Caribbean continue to reduce child labor, while sub-Saharan Africa has seen an increase.

#### Expanding Partnerships in Africa Requires Close Cooperation

By Merle David Kellerhals Jr.  
Staff Writer

Washington — Close cooperation is essential if the United States is to develop partnerships in Africa to expand democracy and good governance, promote sustainable

economic growth and improve access to health care, education and basic services, says Secretary of State Hillary Rodham Clinton.

During a daylong conference in Washington on U.S.-African relations, Clinton said the same cooperation needed to accomplish these goals is also critical to eliminating the conflicts and violence that destroy lives and destabilize the sub-Saharan region of Africa.

"We wish to work as partners not only with African governments, but, most importantly, with the people of Africa. Because we believe that the future of Africa is in the hands of Africans," Clinton said at the June 14 conference.

Clinton said progress remains steady across Africa for the expansion of democracy and human rights, which contribute directly to the kind of good governance that can be accountable to the people. Good governance is stymied if, after elections, the government isn't accountable, she said.

In the next two years, Clinton said, 27 nations in sub-Saharan Africa will hold elections, but "we have to recognize the challenges that still exist for even stable democracies that are trying to fully embed their progress." It is also imperative to recognize the challenges confronted by many nations that are still facing severe conflicts, from the Democratic Republic of the Congo to Sudan, she said.

Last year, Clinton attended the annual conference of the African Growth and Opportunity Act (AGOA) countries held in Nairobi, Kenya, where she underscored the U.S. commitment to helping the emerging economies of Africa grow. "Central to that is revitalizing agriculture and enhancing its value-added returns for African farmers," she said June 14.

Clinton said the United States is also committed to investing in Africa's women because they are the principal farmers on the continent, producing food for themselves and their families and reinvesting the profits in benefits for their children and future generations.

The United States also recognizes that corruption remains an obstacle to economic growth and many of the goals the United States is pursuing, Clinton said. Looting state coffers deprives millions of African of basic services, and makes it easier for drug traffickers, terrorists and other criminals to expand their ventures.

"Fighting corruption is not only the right thing to do and helps improve people's lives, it gives them more of a stake in their own society," Clinton said. "And it is a high [U.S.] priority."

The United States has committed \$63 billion over five years for expanded health care programs across Africa to fight the spread of HIV/AIDS, malaria, tuberculosis and polio. Special emphasis is on Africa and the health of women and children, she said.

The United States recognizes the need for mitigating conflicts, and that the United Nations and African Union have been leaders in peacekeeping and mediation efforts, Clinton said.

"We are strong supporters of that. We pay particular attention to gender-based violence and the recruitment and use of child soldiers," she said.

Africa's rich mineral resources have helped fuel fighting and corruption, so the United States is working closely to promote the responsible use of natural resources through an initiative that encourages openness in mining industries such as diamonds, Clinton said.

Clinton said the United States is working closely with South Africa and the African Union along with others to help the people of Zimbabwe, which is a very difficult challenge to the United States and its Africa-focused policies. "It is a country that has been woefully governed and misruled for a number of years now," she said.

Primarily, the United States is offering humanitarian assistance in Zimbabwe. There is a great need for corn or corn meal, cooking oil and other basic commodities, she said.

"And we're trying to help with health care, particularly with communicable diseases like HIV/AIDS and tuberculosis as well as with malaria and maternal and child health care," Clinton said.

President Obama has renewed targeted sanctions against 220 individuals and entities associated with the regime of Robert Mugabe, Clinton said.

"We are also looking to link democratic and economic performance by encouraging that the government be held accountable and working with those who are attempting to do so," Clinton said.

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